

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

CPV TOWANTIC, LLC MOTION TO REOPEN AND	:	DOCKET NO. 192
MODIFY THE JUNE 23, 1999 CERTIFICATE OF	:	
ENVIRONMENTAL COMPATIBILITY AND PUBLIC	:	
NEED BASED ON CHANGE DCONDITIONS	:	
PURSUANT TO CONNECTICUT GENERAL STATUTE	:	
§4-181A(B) FOR THE CONSTRUCTION,	:	
MAINTAINENCE AND OPERATION OF A 785 MW	:	JANUARY 15, 2015
DUAL-FUEL COMBINED CYCLE ELECTRIC	:	
GENERATING FACILITY LOCATED NORTH OF THE	:	
PROKOP ROAD AND TOWANTIC HILL ROAD	:	
INTERSECTION IN THE TOWN OF OXFORD,	:	
CONNECTICUT	:	

MOTION FOR CONTINUATION OF THE PUBLIC HEARING

Town of Middlebury ("Middlebury"), docketed as a Party and an Intervenor, respectfully requests the Connecticut Siting Council schedule a public hearing at least sixty (60) day after the issuance of the written report of the Connecticut Department of Energy and Environmental Protection to the applicant's submission dated September 8, 2014. The public hearings on the above-captioned Motion to Modify commencing January 15, 2015 and tentatively scheduled to continue on January 29, 2015 and certain dates in February 2015, subject to weather, are intended to provide necessary information to the Council, Parties, Intervenors, and general public. Critical in the Council's review process is balancing the issues of the application's environmental compatibility and public need. Middlebury has been unduly burdened and not been able to prepare properly and fully participate in the public hearing scheduled to date because of the partial and incomplete release of pertinent information pursuant to the schedule dated December 11, 2014 (the "Schedule"). As an original Party and responding Intervenor to the reopened proceedings, Middlebury is at a significant disadvantage in

terms of anticipating the full scope of the November 3, 2014 Petition and any advance preparation to the filings with public agencies made throughout 2014.

Middlebury has yet been unable to select and retain experts based on the December 11, 2014 schedule providing less than one month to prepare Middlebury's pre-filed testimony simultaneous with receipt of the applicant's initial interrogatory responses to Middlebury and other Intervenors. Middlebury believes that if the Council does not extend the public hearing schedule as Middlebury requests, then Middlebury will be significantly prejudiced in its ability to present its case. Pursuant to Conn. Gen. Stat. §16-50o, Middlebury "shall have the right to present such oral or documentary evidence and to conduct such cross-examination as may be required for a full and true disclosure of the facts." As it currently stands, the accelerated procedural schedule in this docket has not permitted Middlebury adequate time to develop its evidence with respect to this proceeding. If the Council denies Middlebury's request for an extension, Middlebury will be unable to provide adequate oral and documentary evidence that permits a full and true disclosure of the facts. Based on the applicant's request for additional time to construct the previously approved power plant and given that the conditions of the site have been virtually unchanged since the initial approval in 1999, no imminent harm will occur if the Council grants Middlebury's request here. Conversely, a denial of Middlebury's request for an extension would significantly prejudice Middlebury and all the Intervenors recently approved.

WHEREFORE, for the foregoing reasons, Middlebury respectfully requests a sixty (60) day extension to the remaining items listed on Council's December 11, 2014 schedule in the above-referenced docket.

Respectfully submitted,
Town of Middlebury, Party/Intervenor

By: 

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Newtown, CT 06470
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Juris # 308196

CERTIFICATION

This is to certify that on this 15th day of January, 2015, the foregoing was sent, via first class mail and/or electronic mail, to the persons on the attached service list.



Stephen L. Savarese

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	CPV Towantic, L.L.C.	Franca L. DeRosa, Esq. Philip M. Small, Esq. Brown Rudnick LLP 185 Asylum Street Hartford, CT 06103 (860) 509-6500 (860) 509-6501 – fax fderosa@brownrudnick.com psmall@brownrudnick.com
Party	Jay Halpern 58 Jackson Cove Road Oxford, CT 06478 h: 203-888-4976 zoarmonster@sbcglobal.net Peter Thomas 72 Towantic Hill Rd. Oxford, CT 06478 203-720-1536	
Intervenor	Town of Middlebury	Attorney Dana A. D'Angelo Law Offices of Dana D'Angelo, LLC 20 Woodside Avenue Middlebury, CT 06762 (203) 598-3336 (203) 598-7283 – fax Dangelo.middlebury@snet.net Stephen L. Savarese, Esq. 103 South Main Street Newtown, CT 06470 203-270-0077 attystephensavarese@gmail.com
Intervenor	The Connecticut Light and Power Company (CL&P)	Stephen Gibelli, Esq. Associate General Counsel The Connecticut Light and Power Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-5513 (860) 665-5504 –fax gibels@nu.com

Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
	CL&P continued...	<p>John R. Morissette Manager-Transmission Siting and Permitting The Connecticut Light and Power Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-2036 morisjr@nu.com</p> <p>Christopher R. Bernard Manager, Regulatory Policy (Transmission) The Connecticut Light and Power Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-5967 (860) 665-3314 – fax bernacr@nu.com</p> <p>Stella Pace, Senior Engineer The Connecticut Light and Power Company Transmission and Interconnection Dept. P.O. Box 270 Hartford, CT 06141-0270 (860) 665-3569 pacess@nu.com</p> <p>Jeffery D. Cochran Northeast Utilities Service Company 107 Selden Street Berlin, CT 06037 860-665-3548 cochrjd@nu.com</p>
Party	Town of Oxford	Francis A. Teodosio, Esq. Winnick, Vine, Welch & Teodosio, LLC 481 Oxford Road Oxford, CT 06478 fteodosio@vwwtlaw.com (203) 881-3600 (203) 881-3606 fax
Party	Naugatuck Valley Chapter Trout Unlimited	Robert M. Perrella, Vice President TU Naugatuck/Pomperaug Valley Chapter 278 W. Purchase Road Southbury, CT 06488-1004 johnnytroutseed@chartner.net

Intervenor	Town of Southbury	Ed Edelson First Selectman Town of Southbury 501 Main Street Southbury, CT 06488 selectman@southbury-ct.gov (203) 262-0647 (203) 264-9762 – fax
Party	The Pomperaug River Watershed Coalition	Len DeJong, Executive Director Pomperaug River Watershed Coalition 39 Sherman Hill Road, C103 Woodbury, CT 06798 203-263-0076 LDeJong@pomperaug.org
Intervenor (approved 06/07/06)	Raymond Pietrorazio 764 Charcoal Avenue Middlebury, CT 06762-1311 (203) 758-2413 (203) 758-9519 – fax ray@ctcombustion.com	
Intervenor (approved 10/10/06)	GE Energy Financial Services, Inc.	Jay F. Malcynsky The Law Offices of Jay F. Malcynsky, P.C. One Liberty Square New Britain, CT 06051 (860) 229-0301 (860) 225-4627 – fax jmalcynsky@gaffneybennett.com
Intervenor (Approved on November 13, 2014)	Borough of Naugatuck and Borough of Naugatuck Water Pollution Control Authority	Edward G. Fitzpatrick, Esq. Alicia K. Perillo, Esq. Fitzpatrick, Mariano, Santos, Sousa, PC 203 Church Street Naugatuck, CT 06770 203-729-4555 Fitz@fmslaw.org alicia@fmslaw.org Ronald Merancy, Chairman Water Pollution Control Authority 229 Church Street Naugatuck, CT 06770 203-720-7000 Rjm62159@aol.com

Intervenor <i>(Approved on January 8, 2015)</i>	Wayne McCormack 593 Putting Green Lane Oxford, CT 06478 wayne@waynemccormack.com	
Intervenor <i>(Approved on January 8, 2015)</i>	Naugatuck River Revival Group, Inc.	Kevin R. Zak, President Naugatuck River Revival Group, Inc. 132 Radnor Avenue Naugatuck, CT 06770 kznrrg@sbcglobal.net 203-530-7850
Intervenor <i>(Approved on January 8, 2015)</i>	Westover Hills Subdivision Homeowners	Chester Cornacchia Westover Hills Subdivision Homeowners 53 Graham Ridge Road Naugatuck, CT 06770 203-206-9927 cc@necsonline.com
Intervenor <i>(Approved on January 8, 2015)</i>	Westover School	Kate J. Truini Westover School 1237 Whittemore Road Middlebury, CT 06762 203-758-2423 ktruini@westoverschool.org
Intervenor <i>(Approved on January 8, 2015)</i>	Greenfields, LLC	Edward S. Hill, Esq. Cappalli & Hill, LLC 325 Highland Avenue Cheshire, CT 06410 203-272-2607 ehill@cappalihill.com
Intervenor <i>(Approved on January 8, 2015)</i>	Lake Quassapaug Association, LLC	Ingrid Manning, Vice President Lake Quassapaug Association, LLC P.O. Box 285 Middlebury, CT 06762 203-758-1692 Ingridmanning2@gmail.com

Intervenor (Approved on January 8, 2015)	Middlebury Land Trust, Inc.	W. Scott Peterson, M.D., President Middlebury Land Trust, Inc. 317 Tranquility Road Middlebury, CT 06762 203-574-2020 wsp@aya.yale.edu
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